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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

RULES OF PROCEDURE OF THE COMMITTEE

Provisional rules of procedure adopted by the Committee at its third session (1989)

(Embodying amendments adopted by the Committee at its fourth (1990) and eighth (1993) sessions)

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Part one

GENERAL RULES

I. SESSIONS

Duration and venue of the sessions

Rule 1

The Committee on Economic, Social and Cultural Rights (hereinafter referred to as "the Committee") shall meet annually for a period of up to three weeks, or as may be decided by the Economic and Social Council (hereinafter referred to as "the Council") taking into account the number of reports to be examined by the Committee. Sessions of the Committee shall be held at Geneva or wherever the Council so decides.

Dates of sessions

Rule 2

Sessions of the Committee shall be convened at dates decided by the Council in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General").

Notification of the opening date of sessions

Rule 3

The Secretary-General shall notify the members of the Committee of the date of the first meeting of each session. Such notifications shall be sent at least six weeks in advance of the session.

II. AGENDA

Provisional agenda for the sessions

Rule 4

The provisional agenda of each session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Council in fulfilment of its responsibilities under the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant");

(c) Any item proposed by the Chairperson of the Committee;

(d) Any item proposed by a State party to the Covenant;

(e) Any item proposed by a member of the Committee;

(f) Any item proposed by the Secretary-General.

Adoption of the agenda

Rule 5

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 14 of these rules.

Revision of the agenda

Rule 6

During a session, the Committee may revise the agenda and may, as appropriate, add, delete or defer items.

Transmission of the provisional agenda and basic documents

Rule 7

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible.

Organization of work

Rule 8

At the beginning of each session the Committee shall consider appropriate organizational matters, including the schedule of its meetings and the possibility of holding a general discussion on the measures adopted and the progress made in achieving the observance of the rights recognized in the Covenant.

III. MEMBERS OF THE COMMITTEE

Members

Rule 9

Members of the Committee shall be the 18 experts elected by the Council in accordance with paragraphs (b) and (c) of its resolution 1985/17.

Term of office

Rule 10

The term of office of members elected to the Committee shall begin on 1 January following their election and expire on the 31 December following the election of members that are to succeed them as members of the Committee.

Declaration of casual vacancies

Rule 11

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairperson of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairperson shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by the member in writing directly to the Chairperson or the Secretary-General and action shall be taken to declare the seat vacant only after such notification has been received.

Filling of casual vacancies

Rule 12

1. When a vacancy is declared in accordance with rule 11 of these rules and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General shall notify each of the States parties of the regional group to which the vacant seat in the Committee is allocated in accordance with paragraph (b) of Council resolution 1985/17. Those States parties may within two months submit nominations in accordance with the relevant provisions of paragraphs (b) and (c) of the same resolution.

2. The Secretary-General shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the Council. The Council shall hold the election to fill the vacancy in the Committee in accordance with the procedure established in paragraph (c) of its resolution 1985/17. The election shall take place at the session of the Council following the deadline for the submission of nominations for the vacant seat.

3. A member of the Committee elected to fill the vacancy declared in accordance with rule 11 of these rules shall hold office for the remainder of the term of the member who vacated the seat on the Committee.

Solemn declaration

Rule 13

Before assuming his duties, each member of the Committee shall make the following solemn declaration in open Committee:

"I solemnly undertake to discharge my duties as a member of the Committee on Economic, Social and Cultural Rights impartially and conscientiously."

IV. OFFICERS

Elections

Rule 14

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur, with due regard for equitable geographical representation.

Term of office

Rule 15

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he or she ceases to be a member of the Committee.

Position of the Chairperson in relation to the Committee

Rule 16

The Chairperson shall perform the functions conferred upon him by the rules of procedure and the decisions of the Committee. In the exercise of those functions, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 17

If during a session the Chairperson is unable to be present at a meeting or any part thereof, he or she shall designate one of the Vice-Chairpersons to act in his or her place.

Powers and duties of the Acting Chairperson

Rule 18

A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 19

If any of the officers of the Committee ceases to serve or declares inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his or her predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 20

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee shall be provided by the Secretary-General.

2. The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions, bearing in mind the need to give adequate publicity to its work.

Statements

Rule 21

The Secretary-General or his representative shall attend all meetings of the Committee and, subject to rule 33 of these rules, may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Keeping the members informed

Rule 22

The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 23

Before any proposal which involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 24

Arabic, English, French, Russian and Spanish shall be the official languages of the Committee and English, French, Russian and Spanish shall be the working languages of the Committee.

Interpretation

Rule 25

1. Statements made in an official language shall be interpreted into the other official languages.

2. A speaker may make a statement in a language other than an official language if he provides for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Languages of records

Rule 26

Summary records of the meetings of the Committee shall be drawn up and distributed in English, French and Spanish.

Languages of formal decisions and official documents

Rule 27

All formal decisions of the Committee to be submitted to the Council shall be made available in the official languages of the Council. All other official documents of the Committee shall be issued in the working languages and any of them may, if the Council so decides, be issued in all the official languages of the Council.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 28

The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise.

Issue of communiqués concerning private meetings

Rule 29

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

VIII. RECORDS

Summary records of the proceedings and corrections to them

Rule 30

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the Council at the same time as the report of the Committee.

2. Summary records are subject to correction to be submitted by participants in the meetings to the Secretariat in the language in which the summary record is issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 31

Reports, formal decisions and all other official documents of the Committee shall be documents of general distribution unless the Committee decides otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 32

Twelve members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 33

The Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He or she shall rule on points of order and shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Time-limit for statements

Rule 34

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairperson shall call him or her to order without delay.

List of speakers

Rule 35

During the course of a debate, the Chairperson may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairperson may, however, accord the right of reply to any member or representative if a statement delivered after the list is declared closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Points of order

Rule 36

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided upon by the Chairperson in accordance with the rules of procedure. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Suspension or adjournment of meetings

Rule 37

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Adjournment of debate

Rule 38

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Closure of debate

Rule 39

1. When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

2. A member may at any time move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Order of motions

Rule 40

Subject to rule 36 of these rules, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Submission of proposals

Rule 41

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a subsequent day.

Decisions on competence

Rule 42

Subject to rule 40 of these rules, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of motions

Rule 43

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Reconsideration of proposals

Rule 44

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a

motion to reconsider shall be accorded only to two speakers in favour of the motion and two speakers opposing the motion, after which it shall immediately be put to the vote.

XI. VOTING

Voting rights

Rule 45

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 46

Decisions of the Committee shall be made by a majority of the members present. However, the Committee shall endeavour to work on the basis of the principle of consensus.

Equally divided votes

Rule 47

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

Method of voting

Rule 48

1. Subject to rule 53 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson.

2. The vote of each member participating in a roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 49

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

Division of proposals

Rule 50

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 51

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 52

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motion requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

XII. ELECTIONS

Methods of elections

Rule 53

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 54

1. When only one elective place is to be filled, and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a candidate is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted and so on until a candidate is elected.

Conduct of elections when two or more elective places are to be filled

Rule 55

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining the required majority is less than the number of members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and to a number no more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots and to a number not more than twice the places remaining to be filled. The following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. SUBSIDIARY BODIES

Ad hoc subsidiary bodies

Rule 56

1. Subject to rule 24, paragraph 2, of the rules of procedure of the Economic and Social Council, the Committee may set up ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.

2. Each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

XIV. REPORT OF THE COMMITTEE

Annual report

Rule 57

1. The Committee shall submit to the Council an annual report on its activities, which shall contain, inter alia, the concluding observations of the Committee relating to each State party's report. A list of State parties to the Covenant shall be annexed to the report of the Committee together with an indication of the status of submission of reports by States parties.

2. The Committee shall also include in its report suggestions and recommendations of a general nature referred to under rule 64 of these rules of procedure.

Part two

RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS FROM STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Submission of reports

Rule 58

1. In accordance with article 16 of the Covenant, the States parties shall submit to the Council for consideration by the Committee reports on the measures which they have adopted and progress made in achieving the observance of the rights recognized in the Covenant.

2. In accordance with article 17 of the Covenant and Council resolution 1988/4, the States parties shall submit their initial reports within two years of the entry into force of the Covenant for the State party concerned and thereafter periodic reports at five-year intervals.

Non-submission of reports

Rule 59

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rule 58 of these rules. In such cases the Committee may recommend to the Council to transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such reports.

2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rule 58 of these rules, the Committee shall so state in the annual report which it submits to the Council.

Form and content of reports

Rule 60

1. Upon approval of the Council, the Committee may inform the States parties, through the Secretary-General, of its wishes regarding the form and contents of the reports to be submitted under article 16 of the Covenant and the programme established by Council resolution 1988/4.

2. The general guidelines for reports by the States parties may, when necessary, be considered by the Committee with a view to making suggestions for their improvement.

Consideration of reports

Rule 61

1. The Committee shall consider the reports submitted by States parties to the Covenant in accordance with the programme established by Council resolution 1988/4.

2. The Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General.

3. Reports of the States parties scheduled for consideration by the Committee shall be made available to the members of the Committee at least six weeks before the opening of the session of the Committee. Any reports by States parties received by the Secretary-General for processing less than 12 weeks before the opening of the session shall be made available to the Committee at its session in the following year.

Attendance by States parties at examination of reports

Rule 62

1. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined. Such representatives should be able to make statements on the reports submitted by their States and reply to questions which may be put to them by the members of the Committee.

2. The Secretary-General shall notify the States parties as early as possible of the opening date and duration of the session of the Committee at which their respective reports are scheduled for consideration. For the meetings referred to in the preceding paragraph, representatives of the States parties concerned shall be specially invited to attend.

3. Once a State party has agreed to the scheduling of its report for consideration by the Committee, the Committee will proceed with the examination of that report at the time scheduled, even in the absence of a representative of the State party.

Request for additional information

Rule 63

1. When considering a report submitted by a State party under article 16 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under existing guidelines.

2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request the State concerned to furnish the additional information which is required, indicating the manner as well as the time within which the said information should be submitted.

Suggestions and recommendations

Rule 64

The Committee shall make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and of the reports submitted by the specialized agencies in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may also make suggestions for the consideration by the Council with reference to articles 19 and 23 of the Covenant.

General comments

Rule 65

The Committee may prepare general comments based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations.

XVI. REPORTS FROM SPECIALIZED AGENCIES UNDER ARTICLE 18 OF THE COVENANT

Submission of reports

Rule 66

In accordance with the provisions of article 18 of the Covenant and the arrangements made by the Council thereunder, the specialized agencies are called upon to submit reports on the progress made in achieving the observance of the provisicns of the Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Consideration of reports

Rule 67

The Committee is entrusted with the task of considering the reports of the specialized agencies, submitted to the Council in accordance with article 18 of the Covenant and the programme established under Council resolution 1988 (LX).

Participation of specialized agencies

Rule 68

The specialized agencies concerned shall be invited to designate representatives to participate at the meetings of the Committee. Such representatives may make statements on matters falling within the scope of the activities of their respective organizations in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies.

XVII. OTHER SOURCES OF INFORMATION

Submission of information, documentation and written statements

Rule 69

1. Non-governmental organizations in consultative status with the Council may submit to the Committee written statements that might contribute to full and universal recognition and realization of the rights contained in the Covenant.

2. In addition to the receipt of written information, a short period of time will be made available at the beginning of each session of the Committee's pre-sessional working group to provide NGOs with an opportunity to submit relevant oral information to the members of the working group.

3. Furthermore, the Committee will set aside part of the first afternoon at each of its sessions to enable it to receive oral information provided by NGOs. Such information should: (a) focus specifically on the provisions of the Covenant on Economic, Scocial and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable, and (d) not be abusive. The relevant meeting will be open and will be provided with interpretation services, but will not be covered by summary records.

4. The Committee may recommend to the Council to invite United Nations bodies concerned and regional intergovernmental organizations to submit to it information, documentation and written statements, as appropriate, relevant to its activities under the Covenant.

Part three

INTERPRETATION AND AMENDMENTS

XVIII. INTERPRETATION AND AMENDMENTS

Underlined headings

Rule 70

The underlined headings of these rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

Amendments

Rule 71

These rules of procedure may be amended by a decision of the Committee, subject to approval of the Council.

Approval of and modification by the Council

Rule 72

These rules of procedure are subject to the approval by the Council and shall remain in force in so far as they are not superseded or modified by decisions of the Council.

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